

City of Murfreesboro
Construction Board of Adjustment & Appeals

Agenda

Tuesday January 25,2021

I. Call to order

II. Roll Call

III. Review & Approve Minutes

Tuesday September 28,2021

IV. Appeal of a Decision, Determination, Order or Notice of the Building Official

Applicant: Billy Gibson

Murfreesboro City Code 14-108, 14-117, 14-118, 17-2 and/or International Property Maintenance Code 302.1, 307; Refuse and Furniture: It is unlawful to allow the accumulation of rubbish, refuse, vegetation, trash or garbage, including but not limited to: glass, cans, boxes, paper, cartons, plastic, metal, crockery, wood appliances, furniture intended for indoor use stored outside, discarded furniture, building materials, building debris, tree branches, or yard trimmings on any premise, unless designed and approved for such industrial purposes.

Murfreesboro City Code 17-2 and/or International Property Maintenance Code 302.8; Motor Vehicles: It is unlawful to park, keep, or store an inoperable or unlicensed/untagged vehicle on any property. No vehicle may be in major disassembly, disrepair, or in the process of being stripped or dismantled unless the vehicle is inside a structure or similarly enclosed area designed and approved for such commercial or industrial purposes. Additionally, parking of vehicles over sidewalks, on the path of a sidewalk, or on lawns is prohibited.

V. Staff Reports

VII. Other Business

City of Murfreesboro
Construction Board of Adjustments & Appeals Minutes
September 28,2021

Board Members Present:

Mike Pickleseimer, Chairman

Lyle Lynch, Vice Chairman

John Murray

Matt Taylor

Ryan Maloney

Staff Present:

Robert Holtz, Director of Building & Codes

Kevin Jones, Assistant Director of Building & Codes

Lisa Mangrum, Administrative Aide

Mike Picklesimer called the meeting to order at 1:00 pm. The first order of business was to review and approve the minutes of the January 26,2021 meeting, Mr. Taylor made a motion to approve the minutes. His motion received a second from Mr. Maloney and was approved unanimously.

The next item was to hear an Appeal of the Decision or Determination of the Building Official for Kroger located at 2050 Lascassas Pike to add 24,637sq. ft to an existing for a total of 90,764 sq. feet. Mr. Pickleseimer asked Mr. Jones to present the case for the city.

Mr. Jones explained that the Kroger team had approached him the month before about the store's expansion. He said right now with the Kroger, canopy and strip stores are all counted as one large building and with meeting the sixty-foot setback it could be unlimited in size. He said that the problem was that with the expansion they would only be at twenty feet but the that the Code does allow them to go to forty in some cases. So Mr. Jones explained that Kroger was asking the board to allow them to have a twenty foot variance. Mr. Jones then called up members representing Kroger to speak.

Mr. Randy Perry the civil engineer then approached the board and stated that what Mr. Jones had explained was indeed the case and that the key element was that the size of the expansion Kroger needed with utilities and feasible it would need the board to approve the variance. Mr. Perry then introduced Mr. Brian Ewers the architect to present further information.

Mr. Brian Ewers stated they had moved the original plans back eight feet from the original drawing which was at twelve feet. Mr. Ewers said that if they were to meet the forty foot it would kill the project because it would not allow Kroger the room that was needed. Mr. Maloney asked if the property to the Northwest was sold in which he was told yes and currently used as a dental office. Mr. Ewers said that they would put in a four-hour fire structurally independent to protect the business' next door. Mr. Maloney asked if Mr. Carl Peas with the fire department had stated any concerns with the project to which Mr. Jones answered no. Mr. Lynch then pointed that unless someone expanded the dental office that there was an additional twenty feet on that side of the building. Mr. Ewers did say that there would be one exit door on that side with a three-hour door.

Mr. Lynch made a motion to approve based on the information submitted, it received a second from Mr. Maloney.

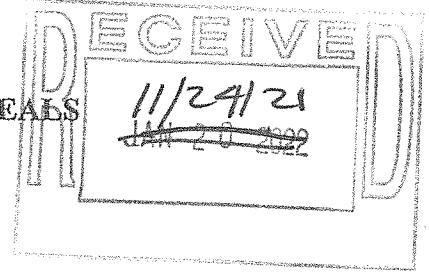
Since there were no staff reports or other business the meeting was adjourned.

CITY OF MURFREESBORO
CONSTRUCTION BOARD OF ADJUSTMENTS and APPEALS

111 West Vine Street, 2nd Floor, Post Office Box 1139

Murfreesboro, Tennessee 37133-1139

Telephone: (615) 893-3750 Fax: (615) 217-3016



MICHAEL PICKLESIMER, Chairman
ROBERT HOLTZ, Chief Building Official

APPLICATION

APPEAL OF A DECISION, DETERMINATION, ORDER, OR NOTICE
OF THE BUILDING OFFICIAL

Any person directly affected by a *Decision or Determination* of the Building Official relative to the application and interpretation of the adopted codes and ordinances regulating construction, has a right to appeal, provided that a written application is filed with the Building Official and shall be based on a claim set forth in the Appellant's Basis for Appeal (See Item #3 of this application).

Any person directly affected by an *Order or Notice* issued by the Building Official under the adopted codes and ordinances regulating minimum property standards, has a right to appeal, provided that a written application is filed within twenty (20) days after the day the Order or Notice was served, and shall be based on a claim set forth in the Appellant's Basis for Appeal. (See Item #3 of this application). Failure to appeal within the specified time and in the specified manner shall constitute wavier of the right to appeal.

A Public Hearing of the Appeal will be conducted by the Construction Boards of Adjustments and Appeals in accordance with the Rules and Regulations of the Construction Board of Adjustments and Appeals, a copy of which is available upon request. The Appellant, or a representative, must be present at the Hearing. At the Hearing, the building official or designee will present the facts of the case. The appellant is entitled to present evidence and to be represented by counsel. Members of the public shall also be heard. At such Hearing, the determination of the building official shall be confirmed, modified or set aside.

The City will place a public notice sign on the property under Appeal. The City will remove the sign following the Hearing.

This Application will not be accepted unless all items on this Application have been completed and filing fee of \$35.00 has been paid. Make check payable to: City of Murfreesboro.

TO BE COMPLETED BY APPELLANT:

1. Property Location: 650 Osborne Ln
Street # Street Name Lot # Subdivision

Name of Appellant: _____

Name of Owner: Billy Gibson

Mailing Address: _____

Mailing Address: 650 Osborne Ln

Phone #: _____

Phone #: 615-691-0525

TO BE COMPLETED BY APPELLANT (Continued)

2. Description of the Appeal:

- (a) The *Decision or Determination* of the Building Official appealed is: (cite specific decision/determination of the Building Official from which appeal is sought, and describe specific relief requested):

Dismiss complaint & Accept no more without contact

- (b) The *Order or Notice* of the Building Official appealed is: (cite specific order/notice of the Building Official from which appeal is sought, and describe specific relief requested):

relief: Dismiss complaint

3. Appellant's Basis for Appeal:

An application for appeal shall be based on one of the following claims. The Appellant hereby claims that one or more of the following conditions exist and is thereby entitled to appeal. **Check which condition(s) apply and explain:**

- ☒ a) The true intent and meaning of the Code or any of the rules legally adopted thereunder have been incorrectly interpreted; **or**
- ☐ b) The provisions of the Code do not apply; **or**
- ☐ c) An equally good or better form of construction is proposed; **or**
- ☒ d) The requirements of the minimum property codes are adequately satisfied by other means; **or**
- ☒ e) The strict application of any requirement of the minimum property codes would cause an undue hardship.

Appellant's Explanation: No inoperable vehicles - VW used as trailer
any tools outside are being loaded/unloaded for business.

As the Appellant, I hereby acknowledge that I or a representative, must be present at the Hearing, and that I have the burden of proving that the decision, determination, order, or notice of the building official should be modified or reversed. As the Owner, I hereby authorize and consent to the filing of this Application.

All documentary evidence, which the appellant wishes the Board to consider, should be filed with the Building Official with the Appeal. At least one copy of documentary evidence considered by the Board must remain as a permanent part of the record. A blueprint _____, drawing _____, or photo _____ of the request must be attached to this Appeal, if applicable.

Appellant's Signature: _____

(Required)

Owner's Signature: [Signature]

(Required)

Date Signed: _____

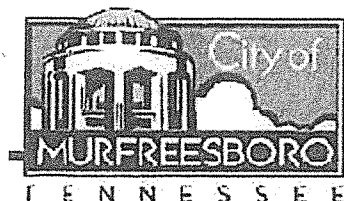
Date Signed: 11/24/2021

OFFICE USE:

Hearing Date: _____

Date Filed: _____

Filing Fee Paid: Cash _____ Check #: _____ Receipt #: _____



Creating a better quality of life

NOTICE OF VIOLATION
MURFREESBORO PROPERTY MAINTENANCE OR SIGN ORDINANCE LAWS

Property Owner: Joseph W. Orange
650 Osborne Lane
Murfreesboro TN 37130

Location of Property: 650 Osborne Ln.
068G D 00300

Date of Notice: November 05, 2021

Method of Service: USPS

We are notifying that the above referenced property is in violation of the Murfreesboro City Code, International Property Maintenance Code or Sign Ordinance. This is not a citation to City Court, however this will be your only notification concerning the violations listed below. If you have any questions regarding this notice, please contact inspector at (615) 893-3750.

Violation	Accumulation of garbage, brush, household items, building material, other debris
Corrective Action	Remove accumulation. Contact the Solid Waste Department at 615-893-3681 for disposal of subject items.
Violation	Repair or remove all inoperable vehicles
Corrective Action	Repair or remove all inoperable vehicles

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You have 20 calendar days to comply from the date of this notice to bring your property into compliance. After the 20 day period from the date of this Notice your property will be re-inspected. If your property is still in violation, the City may take legal action. You may be cited to City Court, and/or the City may have your property cut and/or cleaned-up.

City Court:

The judge may fine you daily. Each day is charged as a separate offense, up to \$50.00 per day, plus court costs.

Work Orders:

The City may alternatively or additionally, have the work performed (eg. cut, clean-up and/or tow and impound vehicles) on your property and charge you the cost. The cost will be general labor and equipment fees plus an administrative handling fee of twenty percent (20%) of the total cost of the work. This amount, plus attorney fees and filing fees, will become a lien on your property. Unpaid liens are collected on the same bases as your City property taxes.

You have 20 calendar days to file an appeal. If you wish to appeal, you must complete an application with the Chief Building Official/Director. The application is available in the Building and Codes Department and online. Failure to appeal within 20 calendar days from the date on this Notice and in the manner described below shall constitute full and final waiver of your right to appeal.

Construction Board of Adjustments and Appeals:

You may apply to the Construction Board of Adjustments and Appeals on the grounds that your property does not violate the Murfreesboro City Code. You must complete the required application available in the Building and Codes Department and online and pay a \$35.00 fee. The Board will then hear your appeal at the next regularly scheduled meeting. The Board will decide to confirm this Notice in whole or in part, or set it aside. If the Construction Board of Adjustments and Appeals sets aside this Notice and grants your appeal, the City will not cite you to court or have work performed on your property.

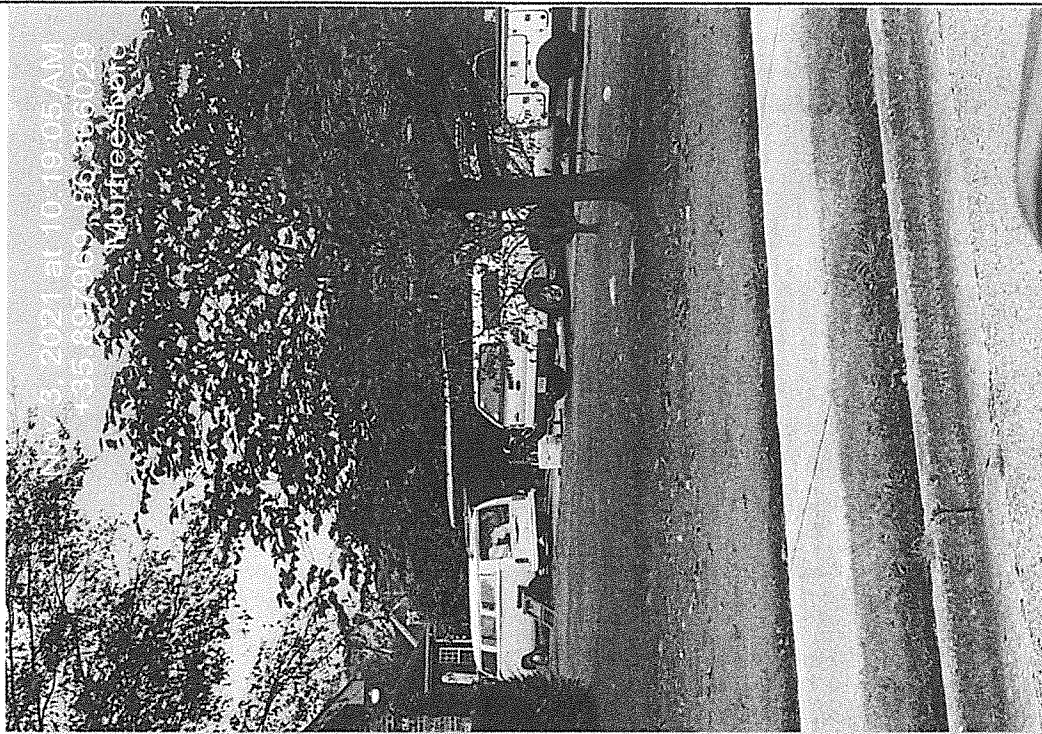
The Murfreesboro City Codes described in this Notice are public records retained by the City Recorder. Copies are also located in the Building and Codes Department. These offices are open Monday - Friday, 8:00 AM to 4:30 PM. You are welcome to review the documents during these hours.

We encourage you to contact **Inspector Trey Hugh** at 615-893-3750 if you have any questions regarding this notice. We will be glad to assist you.



Kevin Jones
Building and Codes
Assistant Director

CITY OF MURFREESBORO



Aug 3, 2021 at 10:19:05 AM
+35 897060 86 370028
Wurresboro

